

**MINUTES
ZONING BOARD OF APPEALS
NOVEMBER 9, 2021 – 7:30 PM
CITY OF FARMINGTON HILLS
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN**

CALL MEETING TO ORDER

Chair Lindquist called the meeting to order at 7:35 P.M. and made standard introductory remarks explaining the formal procedure, courtesies and right of appeal.

SITE VISIT November 7, 2021

Chair Lindquist noted when the Zoning Board of Appeals members visited the site.

The Sunday site visit begins at 9:00 a.m. at City Hall. It is an advertised open, public meeting under the Open Meetings Act, is only for informational purposes; the Board members abstain from any action, hearing testimony, or any deliberations.

ROLL CALL

Members Present: Irvin, King, Lindquist, Masood, Rich, Vergun

Members Absent: O’Connell

Others Present: City Attorney Morita, Zoning Supervisor Randt, Recording Secretary McGuire

APPROVAL OF AGENDA

MOTION by Rich, support by Masood, to approve the agenda as published.

Motion carried unanimously.

NEW BUSINESS

- A. ZBA CASE: 11-21-5687
LOCATON: 21804 Hamilton Avenue
PARCEL I.D.: 23-36-178-010
REQUEST: In an RA-4 Zoning District, in order to build a new awning, a 6.5-foot variance to the required 25-foot front yard setback is required.
CODE SECTION: 34-3.1.7.E.
APPLICANT/OWNER: Lauren and Betty Ward

Member Masood called the case.

City Attorney Morita noted that the variance needed was actually for 7.0 feet. The change was not significant or material, and the case could be heard this evening.

Utilizing a PowerPoint presentation, Zoning Supervisor Randt reviewed the facts of the case. The parcel was located south of Shiawassee Road and east of Middlebelt Road. Zoning Supervisor Randt showed a photograph of the current nonconforming awning. The applicant was proposing to replace the awning with something similar.

Under Section 34-3.1.7.E. of the Zoning Ordinance, a 25-foot front yard setback is required within the RA-4, One Family Residential zoning district. The proposed replacement awning would project 7 feet into the required 25-foot setback. Therefore a variance of 7 feet from the minimum 25-foot front yard setback would be required.

Lauren and Betty Ward, 2180 Hamilton Avenue, were present on behalf of this request for a variance in order to replace an existing awning over the front porch of their home. Steve McFall, Waynecraft, Inc., Livonia MI, was also present.

Ms. Ward said that her parents had moved into the home in 1972, and the existing awning was in place at that time. She and her husband now owned the home, and they were requesting to replace the awning with something substantially similar in size, location, and design. The scalloped edge would be replaced with a straight edge.

Contractor McFall explained that they would be removing the aluminum awning and railings, and would replace them with similar aluminum material but with a more modern design. The porch footprint would not change.

In response to questions from the Board, Ms. Ward gave the following information:

- The existing side entrance to the porch would remain; the steps would have a new railing.
- The porch had been inspected and was found to be solid and in good condition.

Member Rich asked if the setback requirements had been modified since the house was built, as almost every home on the street had the same setback as this one, and many of the homes also had awnings. Zoning Supervisor Randt said setbacks had changed, and City Attorney Morita said that the awning was a pre-existing nonconforming situation.

Chair Lindquist pointed out that the City's Zoning Code was first established in 1972, when Ms. Ward moved in with her family, and the awning was already there.

Member King noted that one letter of support had been received from a neighbor. Had any other neighbors voiced an option?

Ms. Ward said one of the neighbors across the street had spoken to them personally and supported the awning replacement.

Chair Lindquist opened the meeting for public comment. Seeing that no public indicated they wished to speak, Chair Lindquist closed the public comment portion of the meeting and brought the matter back to the Board for discussion and/or a motion.

Member Masood reported there was an affidavit of mailing with one return. One letter had been received in support of this variance from Eddie Kohen, 2815 Hamilton, dated 11/2/21.

Member Masood said he was inclined to be in favor of this variance, which was requested in order to replace an existing awning with similar materials and characteristics.

MOTION by Rich, support by King, that in the matter of ZBA Case 11-21-5687, 21804 Hamilton Avenue, the Board of Zoning Appeals **GRANT** the petitioner's request for a 7-foot variance to the required

25-foot front yard setback in an RA-4 Zoning District, in order to build a new awning, because the petitioner did demonstrate practical difficulties exist in this case in that they set forth facts which show that:

1. Compliance with the strict letter of the ordinance would render conformity with the ordinance unnecessarily burdensome.
2. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district.
3. That the petitioner's plight is due to the unique circumstances of the property, given the dates of construction and the siting of the property on the road when it was originally a dirt road.
4. That the problem is not self-created as the house was originally built as is, where it is, and the only issue is that there is a desire to cover a front porch. There is no violation of the ordinance with respect to the porch itself. A majority of the properties in the neighborhood have an awning, and this property already has an awning. The owners are simply requesting to replace something that already exists with something more attractive. If the property owners kept the existing awning it would be allowed to remain. There is a practical difficulty in simply trying to maintain the look and aesthetics of the property as well as the rest of the neighborhood, and this replacement is not an expansion of any nonconformity.

With the following condition:

1. Awning materials and construction be as shown on the submittal documents.

Board Discussion

Member King asked if there were going to be handrails on the front steps. Ms. Ward said there would be a handrail on the side steps, but not for the circular steps at the front. The photograph showing handrails for front steps was actually a picture of another house, and was included for illustrative purposes only, to show what the awning would look like.

MOTION to grant carried 6-0.

- B. ZBA CASE: 11-21-5688
LOCATION: 27500 Shiawassee (Salvation Army)
PARCEL I.D: 23-36-277-016
REQUEST: In an RA-4 Zoning District, in order to build a 540-foot addition to an existing garage, a 28-foot variance to the required 50-foot setback from RA districts occupied by one-family detached dwellings is required.
CODE SECTION: 34-4.4.3.
APPLICANT/OWNER: The Salvation Army

Utilizing a PowerPoint presentation, Zoning Supervisor Randt reviewed the facts of the case. The parcel was located on the corner of Inkster and Shiawassee Roads. A sketch provided by the applicant showed the location of the proposed addition.

Jimm F. White, Chair of the Farmington Hills Salvation Army Advisory Council, was present this evening on behalf of this request for a variance in order to build a 540-foot addition to an existing garage. Kelly Wirebough, Property Manager for the Eastern Michigan Division of the Salvation Army, was also present, as were other members of the Salvation Army community, including the Pastor.

The Salvation Army's Farmington Hills church and community center (known as a "Corps") had been at this site since the 1980's. Also on the campus was a "quarters" (parsonage). In the center of the campus, between the church parking lot and the parsonage, was a 40-foot accessory building used for storage.

Additional storage was desperately needed. There was no basement in the church and they were currently renting two PODS to store materials, but this was not enough storage. The Salvation Army had the practical difficulty of locating additional storage on its limited site. They had considered building north of the gym but that location would be in the northern setback of the adjacent home fronting on Inkster. They had considered building storage just west of the gym but that space was too narrow. After considering the alternatives, the Salvation Army decided that the logical, most cost effective, and least intrusive location was adjacent to the current storage building. The 30-foot addition would be the same height, width, and color as the current building.

The only offsite structure close to the proposed addition was the garage in the northeast corner of the residential lot to the west; that garage had a setback of approximately 4 feet. Years ago, the Salvation Army erected a tall privacy fence along the common lot line, which would block most, if not all, view from the adjacent residence. The parsonage building was less than 50 feet from that lot line.

Strict enforcement of the 50-foot setback ordinance would unreasonably prevent the Salvation Army from using the property for a permitted use of an ancillary building, by dramatically reducing the size of the addition to approximately 10 feet.

Approval of the variance would grant substantial justice to the Salvation Army by allowing it to serve the community more efficiently, without affecting the neighborhood. The proposed location was buried in the center of the campus.

The Salvation Army's plight was due to the innate circumstances of the property. Shiawasee Street ran on an angle northwest and southeast rather than east and west. The need for this variance was caused by the limited size of the campus.

This problem was not self-created. The Salvation Army had not changed anything and would be building the addition on the grass area behind the current 6-foot wall.

In response to a question from Chair Lindquist, Zoning Supervisor Randt explained the required 50-foot setback was to the residential property line. He noted that the setback requirement for the adjacent residence's garage was 2 feet at the time it was constructed.

City Attorney Morita explained that the Salvation Army property was in a residential district, which was a permitted use, with the additional requirement for a church property that its buildings, including accessory structures, must be 50' from any abutting residential district property line.

Member Rich asked the applicant if they would be removing the two storage PODS if the variance were granted. Mr. White said they would be removing the PODS.

Zoning Supervisor Randt asked how the garage would be used. Mr. White explained that the accessory building would be used for food storage, as well as tables and chairs that were currently being stored in the church gym.

In response to questions from the Board, Mr. White said the existing storage building had electricity but no plumbing. The addition would similarly provide electricity, and also not have plumbing.

Ms. Wirebaugh further explained that the addition would share a common wall with the existing structure. The existing structure would be for the food pantry, and the new addition would store tables, chairs, and equipment that were utilized for the summer day camps, etc. That equipment would be moved out of the gym, which currently could not be used for basketball play because of the items stored in it. The building would look like a single building, with a full dividing wall in the center because food and equipment could not be mixed.

Chair Lindquist opened the meeting for public comment. Seeing that no public indicated they wished to speak, Chair Lindquist closed the public comment portion of the meeting and brought the matter back to the Board for discussion and/or a motion.

Member Masood reported that there was an affidavit of mailing with 2 returns.

Member King asked if the new overhead door proposed for the side of the new storage structure would open to the parking lot side, and not toward the parsonage. Ms. Wirebaugh said that was correct. There will be a pedestrian door for emergencies. The overhead door would not impact parking.

Chair Lindquist asked about the low hanging powerlines that ran along the edge of the parking lot. Ms. Wirebaugh said they were in the process of contacting DTE about this situation.

Member Vergun said he understood the practical difficulty in this case, as constructing an addition without a variance would give only a few feet for an expansion.

Chair Lindquist asked if the applicants would accept as a condition of approval the permanent prohibition of PODS for storage on the site. Ms. Wirebaugh said that condition would be acceptable.

Member Masood asked how the 540-square-foot size was arrived at. Mr. White explained that he had actually wanted a larger space, but the 540-square foot addition was what they could afford.

Member King said he was leaning in favor of this application. From the parking lot, the addition would be essentially invisible, and would also be invisible from the next door property because of the existing tall fence. The addition would be closest to the neighbor's detached garage, and would not be much closer to the single family residence than the existing garage was now. The addition did not appear to be harmful to the nearest neighbor.

MOTION by Masood, support by Vergun, that in the matter of ZBA Case 11-21-5688, 27500 Shiawassee (Salvation Army), the Board of Zoning Appeals **GRANT** the petitioner's request for a 28-foot variance to the required 50-foot setback from RA districts occupied by one-family detached dwellings, in order to build a 540-foot addition to an existing garage, because the petitioner did demonstrate practical difficulties exist in this case in that they set forth facts which show that:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome.

2. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district.
3. That the petitioner's plight is due to the unique circumstances of the property.
4. That the problem is not self-created.

The motion includes the finding that the petitioner looked at alternative locations to the north and west, which locations would require similar variances. There is also a privacy fence that will block the extended garage.

With the following conditions:

- a. Storage pods be removed permanently, with no future storage of outdoor accessory containers permitted.
- b. Building materials, construction, physical configuration and location be as shown on the submittal documents.
- c. Disbursement, pick-up, and storage of food be limited to the existing building area only, in order to keep stored food and pick-up traffic as far from the single family residence as possible.
- d. Privacy fence be maintained in good condition.
- e. Privacy fence be extended from the southwest corner of the new addition to the west property line abutting 27506 Shiawassee, and then north along that property line to the north property line of 27506 Shiawassee, as shown on the drawing as modified and signed this evening by the applicant's representative Kelly Wirebough, Property Manager for the Eastern Michigan Division of the Salvation Army, and as attached to the record of this meeting.

Discussion

Mr. White and Ms. Wirebough agreed to the conditions as stated.

MOTION to grant carried 6-0.

PUBLIC QUESTIONS AND COMMENTS: None.

APPROVAL OF MINUTES: October 12, 2021

MOTION by King, support by Irvin, to approve the October 12, 2021 Zoning Board of Appeals meeting minutes as presented.

Motion approved unanimously.

ADJOURNMENT

MOTION by Vergun, support by King, to adjourn the meeting at 8:43 p.m.

Motion approved unanimously.

Respectfully submitted,
Michael O'Connell, Secretary

/cem

Attachment: sketch showing location of fence required by motion for Case #11-2105688, Salvation Army

